

Samuel Maida (SBN 333835)  
HAUSFELD LLP  
600 Montgomery Street, Suite  
3200 San Francisco, CA 94111  
Tel: 415-633-1908  
Fax: 415-358-4980  
Email: smaida@hausfeld.com

Manuel J. Dominguez (*pro hac vice*)  
COHEN MILSTEIN SELLERS &  
TOLL PLLC  
11780 U.S. Highway One, Suite N500  
Palm Beach Gardens, FL 33408  
Tel: 561-515-2604  
Fax: 561-515-1401  
Email: jdominguez@cohenmilstein.com

Jeffrey J. Corrigan (*pro hac vice*)  
SPECTOR ROSEMAN & KODROFF, P.C.  
2001 Market Street, Suite 3420  
Philadelphia, PA 19103  
Tel: 215-496-0300  
Fax: 215-496-6611  
Email: jcorrigan@srkattorneys.com

*Attorneys for Plaintiffs*

[Additional Counsel Listed on Signature Page]

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE: DA VINCI SURGICAL ROBOT  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

**Lead Case No: 3:21-CV-03825-AMO**

**PLAINTIFFS' MOTION TO REMOVE  
INCORRECTLY FILED DOCUMENT**

Hearing Date: March 6, 2025  
Time: 2:00 pm  
Courtroom: 10 - 19th Floor  
Judge: Hon. Araceli Martínez-Olguín

Pursuant to Civil Local Rule 7-11 and the Court's Superseding Omnibus Sealing Order (Dkt. 246), Plaintiffs Larkin Community Hospital, Franciscan Alliance, Inc. and King County Public Hospital District No. 1, d/b/a Valley Medical Center (collectively, "Plaintiffs") hereby bring this motion to remove an incorrectly filed document. Specifically, Plaintiffs seek the removal of Exhibit 8 to the Declaration of Icee N. Etheridge in Support of the Court's Superseding Omnibus Sealing Order regarding Plaintiffs' Corrected Motion for Partial Summary Judgment, Reply in Support of Motion for Partial Summary Judgment, and Opposition to Motion to Exclude Testimony of Einer Elhauge ("Exhibit 8"). *See* Dkt. 256-8. Plaintiffs previously filed the correct version of the document at issue with the appropriate redactions in support of their Motion for Class Certification. *See* Dkt. 267-8. Plaintiffs also concurrently filed the correction on the docket. *See* Dkt. 305. Plaintiffs have asked that access to the originally filed Exhibit 8 be restricted, and the ECF Helpdesk temporarily locked the document.

In reviewing their filings Plaintiffs discovered that they had inadvertently filed Exhibit 8 without some redactions to certain portions of the document that the Court had approved in its Superseding Omnibus Sealing Order. *See* Dkt. 246 at 27-28, 44, 49. Plaintiffs now respectfully request that the originally filed version of Exhibit 8 in support of their Corrected Motion for Partial Summary Judgment, Reply in Support of Motion for Partial Summary Judgment, and Opposition to Motion to Exclude Testimony of Einer Elhauge (Dkt. 256-8) be permanently removed from the public docket.

Pursuant to Civil Local Rule 7-12, Plaintiffs sought a stipulation with Intuitive regarding the removal of Exhibit 8, and Intuitive has stipulated to its removal, as reflected in the Stipulation and Proposed Order being filed herewith.

Dated: November 14, 2024

By: /s/ Jeffrey L. Spector  
JEFFREY L. SPECTOR

Manual J. Dominguez (*pro hac vice*)  
**COHEN MILSTEIN SELLERS & TOLL PLLC**  
11780 U.S. Highway One, Suite N500  
Palm Beach Gardens, FL 33408  
Tel: 561-515-2604  
Fax: 561-515-1401  
Email: jdominguez@cohenmilstein.com

Jeffrey J. Corrigan (*pro hac vice*)  
Jeffrey L. Spector (*pro hac vice*)  
Icee N. Etheridge (*pro hac vice*)  
**SPECTOR ROSEMAN & KODROFF, P.C.**  
2001 Market Street, Suite 3420  
Philadelphia, PA 19103  
Tel: 215-496-0300  
Fax: 215-496-6611

Email: jcorrigan@srkattorneys.com  
jspector@srkattorneys.com  
ietheridge@srkattorneys.com

Benjamin D. Brown (SBN 202545)  
Daniel McCuaig (*pro hac vice*)  
Zachary Glubiak (*pro hac vice*)  
**COHEN MILSTEIN SELLERS & TOLL PLLC**  
1100 New York Ave., Suite 500  
Washington, DC 20005  
Tel: 202-408-4600  
Fax: 202-408-4699  
Email: bbrown@cohenmilstein.com  
dmccuaig@cohenmilstein.com  
zglubiak@cohenmilstein.com

Christopher J. Bateman (*pro hac vice*)  
**COHEN MILSTEIN SELLERS & TOLL PLLC**  
88 Pine Street, 14th Floor  
New York, NY 10005  
Tel: 212-838-7797  
Fax: 212-838-7745  
Email: cbateman@cohenmilstein.com

Jeannine M. Kenney (*pro hac vice*)  
**HAUSFELD LLP**  
325 Chestnut Street, Suite 900  
Philadelphia, PA 19106  
Tel: 215-985-3270  
Fax: 215-985-3271  
Email: jkenney@hausfeld.com

Samuel Maida (SBN 333835)  
Gary I. Smith, Jr. (SBN 344865)  
**HAUSFELD LLP**  
600 Montgomery Street, Suite 3200  
San Francisco, CA 94111  
Tel: 415-633-1908  
Fax: 415-358-4980  
Email: smaida@hausfeld.com  
gsmith@hausfeld.com

Reena A. Gambhir (*pro hac vice*)  
**HAUSFELD LLP**  
888 16th St NW  
Washington, DC 20006  
Tel: 202-540-7145  
Fax: 202-540-7201  
Email: rgambhir@hausfeld.com

*Interim Co-Lead Counsel for Hospital Plaintiffs and the Proposed Class*

Michael J. Boni  
Joshua D. Snyder (*pro hac vice*)  
John E. Sindoni (*pro hac vice*)  
**BONI, ZACK & SNYDER LLC**  
15 St. Asaphs Road  
Bala Cynwyd, PA 19004  
Tel: 610-822-0200  
Fax: 610-822-0206  
Email: mboni@bonizack.com  
jsnyder@bonizack.com  
jsindoni@bonizack.com

*Counsel for Hospital Plaintiffs and the Proposed Class*